



MINUTES

BOARD OF SUPERVISORS, COUNTY OF MONO

STATE OF CALIFORNIA

Regular Meetings: First,
Second & Third Tuesday each
month.

REGULAR MEETING

County Courthouse
Bridgeport, California 93517

October 18, 2005

9:00 a.m. Called to Order by Chairman, Supervisor Byng Hunt

Pledge of Allegiance led by Supervisor Hunt

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke

DEPARTMENT REPORTS/EMERGING ISSUES

NO ONE SPOKE

COUNTY ADMINISTRATIVE OFFICE

1)
CAO Tracking
Report

CAO Report and Tracking Report re Board Assignments (**David Wilbrecht**)
RECOMMENDED ACTION: Receive brief oral report by County Administrative Officer (CAO) regarding his activities. Review and potentially revise Tracking Report of Board assignments.

Enter Closed
Session
9:05am

CLOSED SESSION

2)
Labor
Negotiations

CONFERENCE WITH LABOR NEGOTIATORS (MCPE). Government Code §54957.6. Agency designated representatives: David Wilbrecht, Marshall Rudolph, and Robert Garret. Employee organizations: Local 39 (MCPE, DPOU), Paramedic Fire and Rescue Association, Sheriff's Officers' Association (DSA), Sheriff Department Management Association, Public Safety Officers Association, Management Council. Unrepresented employees: County Administrator, County Counsel, Deputy County Counsel, Mental Health Director, Social Services Director, Public Health Director, Health and Human Services Director, Deputy county Administrative Officer/Human Resources Director; Deputy County Administrative Officer/Risk Manager; Health Officer, Psychiatrist, Assistant Public Works Director, Project Manager, Assistant District Attorney, District Attorney Chief Investigator, Assistant Treasurer-Tax Collector, Assistant Auditor-Controller, IT Director, Building Official, Budget & Organization Analyst, Assistant Clerk-Recorder, Probation Officer, and Child Support Director, Undersheriff, and Paramedic/Fire Chief.

3)
Anticipated
Litigation

CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9. Number of potential cases: One.

Exit Closed
Session

10:55 a.m.

Recess: 10:55 a.m. to 11:00 a.m.

4)
Approve of
Minutes

APPROVAL OF MINUTES:

Regular Meeting of October 4, 2005

Hazard/Cecil 5-0

CONSENT AGENDA

Farnetti/Hazard 5-0

COUNTY COUNSEL

5a)
Mammoth
Lakes
Mosquito
Abatement
Conflict of
Interest Code
M05-191

Conflict of Interest Code for Mammoth Lakes Mosquito Abatement District

ACTION: Approve the new Conflict of Interest Code adopted by the Mammoth Lakes Mosquito Abatement District, and direct the Clerk to notify the District of the Board's action (attention Steve Ganong).

Farnetti/Hazard 5-0

5b)
Indigent
Defense
Contracts
M05-192

Indigent Defense Contracts

ACTION: Approve County entry into, and authorize the Board chair to sign, agreements between the County and Randall L. Gephart, David D. Hammon, and Gerald F. Mohun, Jr. (Liebersbach, Mohun, Carney, and Reed), respectively, to extend their existing agreements pertaining to indigent defense counsel services until December 31, 2005.

Farnetti/Hazard

5c)
Reconvey
Deed of Trust
APN 33-100-32

Requested Reconveyance of a Deed of Trust (APN: 33-100-32) **Marshall Rudolph** County Counsel explains circumstances leading to this situation; there is nothing on file proving payment; trustor states that it was paid in first year. There is circumstantial evidence that it was paid. Evan Nikirk comments. Board is not comfortable just assuming this was paid. Board agrees that the burden of proof lies with Mr. Oetiker to prove this note was paid.

ACTION: Authorize the Board chair, on behalf of the county, to sign a requested Substitution of Trustee with Full Reconveyance with respect to a Deed of Trust on APN: 33-100-32, securing a 1983 Note in favor of the County.

County Counsel returns to Board at end of day and discloses that only interest appears to have been paid on this note. More research will be done.

Pull this item for regular agenda

Board does not agree to this action. County Counsel will explore alternative solutions.

*Pulled regular
agenda*

Not approved

BOARD OF SUPERVISORS

6)
Visitor's
Center
Bridgeport/
Bodie
M05-194

Proposed MOU; Public/Private Cooperative Agreement

ACTION: Approve and authorize Chairman's signature on the proposed Memorandum of Understanding for Interagency Public/Private Cooperative agreement as to the implementation of a visitor's center located on Main St. in Bridgeport and named "Bridgeport Bodie Visitor's Center."

Farnetti/Hazard 5-0

REGULAR AGENDA

BUILDING DEPARTMENT

8)
Bldg Permit
Fees
No Action

Building Permit Fees (**Bob Floyd**)

ACTION: Workshop on ongoing construction valuation adjustments.

COMMUNITY DEVELOPMENT – COMPLIANCE DIVISION

9)
Public
Nuisance at 66
Sunny Slopes
Dr.
M05-195
R05-85

Public Nuisance at 66 Sunny Slopes Drive (**Nick Criss, Allan Berry**)

Procedure explained by Deputy County Counsel Allan Berry; Nick Criss, Code Enforcement Officer give background information on this matter.

Response by Leigh Molson, property owner. States she was not informed of this meeting. Explains her feelings about this situation. Feels she has done a lot of work this summer and is trying to take care of the situation. Board advises property owner that she must clean up this situation or the County will come in and assist her and probably get rid of things she wants to keep.

Process should move forward to even determine if in fact a nuisance even exists. Board feels that property owner has been given ample time.

ACTION: (1) Adopt **Resolution No. R05-85** alleging the existence of a Public Nuisance at 66 Sunny Slopes Drive. (2) Appoint a time and a place for a hearing on whether a public nuisance, as set forth in the attached resolution, exists. (3) Direct the clerk to give notice that hearing will take place on **November 15, 2005 at 11:00 a.m.** in accordance with Mono County Code Section 7.20.050. (4) Refer the matter to the Code Compliance Specialist to file a written report in accordance with Section 7.20.040 of the Mono County Code.

Hazard/Cecil 5-0

BOARD OF SUPERVISORS

10)
CSAC Board
of Directors
M05-193

Selection of CSAC Board of Directors Members (**Supervisor Bauer**)

ACTION: Appoint Supervisor Vikki Bauer as our representative to the Board of Directors for a term of one year (term commences on first day of the CSAC annual conference) and alternate member Supervisor Farnetti.

Farnetti/Cecil 5-0

PUBLIC HEALTH

11)
Children's

Mono County Children's Medical Services Plan (**Lynda Salcido**)

Medical
Services
M05-196

Comments by Laurie Gunley PHN, Children's Medical Director

ACTION: Approve and authorize Chairman's signature on the Mono County Children's Medical Services Plan for Fiscal Year 2005-2006.

Hazard/Cecil 5-0

COUNTY ADMINISTRATIVE OFFICE

12a)
Lyster,
Employment
Contract
Off agenda

Employment Contract; Dan Lyster (**David Wilbrecht, Robert Garret**)

ACTION: Consider and potentially adopt proposed **Resolution** approving an employment agreement with Dan Lyster and prescribing the compensation appointment, and conditions of said employment.

Off agenda

12b)
Booher,
Employment
Agreement
R05-86

Employment Agreement; Mary Booher (**David Wilbrecht, Robert Garret**)

ACTION: Adopt proposed **Resolution No. R05-86** approving an employment agreement with Mary Booher and prescribing the compensation appointment, and conditions of said employment effective November 1, 2005

Cecil/Bauer 5-0

12c)
Housing
Authority

Create a Housing Authority for Mono County (**David Wilbrecht**)

ACTION: Review, discuss and direct staff on the establishment of a housing authority for Mono County.

Discussion
only
No action

12d)
2005-06
Budget
Adjustments
No action

Adjustments to 2005-2006 Budget (**David Wilbrecht**)

ACTION: Review, discuss, and approve any changes or adjustments to the 2005-2006 budget.

1:15 -1:45

LUNCH RECESS

1:00 p.m.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke

Public Hearing

COMMUNITY DEVELOPMENT, COUNTY COUNSEL

13a)
Development
Impact Fees
Ordinance
M05-197

Public Facilities/Development Impact Fees Ordinance (**Charles Long, Scott Burns, and Mark Magit**)

Comments by Charles Long; recommendations:

1. Begin implementing the S. County Development Impact Fee
2. Expand study to address growth related facilities in North County.
3. Implement routine budget policies to create pay-as-you go equipment replacement funding.
4. Decide how to finance sub-regional improvements.
5. Begin using a long-term budgeting model to identify local resources for financing of the \$18.1 million of non-growth related facilities.

Mark Magit reviews proposed Ordinance framework for the Board.

Public Hearing Opened: 2:45 p.m.

Comments: none

Public Hearing Closed: 2:46 p.m.

ACTION: Introduce, read title and waive further reading of proposed **Ordinance** authorizing the implementation of public facilities/development impact fees.

Farnetti/Cecil 5-0

Receive information concerning proposed development impact fees for consideration at future public hearing. County Counsel will put on 11/8/05 agenda for adoption.

13b)
Draft
Affordable
Housing Ord.
Workshop

Workshop to Review Draft Affordable Housing Ordinance (**Larry Johnston, Scott Burns, and Mark Magit**)

ACTION: Conduct workshop to review and discuss proposed draft affordable housing ordinance.

Another workshop will be scheduled for one or two months from today. Staff will summarize comments and direction from Board.

PUBLIC WORKS

14a)
Title 12- Solid
Waste
Proposed Ord.

M05-198

R05-87

M05-199

Proposed Ordinance, Title 12- Solid Waste (**Evan Nikirk**)

Comments by D&S Disposal; Steve Mercer, Town of Mammoth Lakes. Consensus of Board is to move forward.

ACTION: (1) Introduce, read title, and waive further reading of proposed **Ordinance** adding Title 12 to the Mono County Code pertaining to Solid Waste, repealing Chapter 7.16 of the Mono County Code pertaining to Refuse Disposal, and imposing certain requirements on generators of solid waste and providers of solid waste handling services within the unincorporated areas of Mono County. (3) Direct the Clerk of the Board, with the assistance of County Counsel, to prepare a summary of the proposed ordinance for publication pursuant to Government Code section 25124; and (4) Direct the Clerk of the Board to schedule the proposed ordinance for adoption at the Board's next regularly-scheduled meeting of November 1, 2005; (5) Consider and potentially adopt proposed **Resolution No. R05-87** "A Resolution of the Board of Supervisors Finding that the Adoption and Implementation of an Ordinance, Imposing Requirements on Generators of Solid Waste and Providers of Solid Waste Handling Services, is Categorically Exempt from the California Environmental Quality Act (CEQA) Pursuant to Section 15308 of the State CEQA Guidelines."

Farnetti/Hazard 5-0

(M05-199)

ACTION: Designate the Clerk of the Board as the officer authorized to prepare summaries of Mono County ordinances pursuant to Government Code section 25124;

Farnetti/Cecil 5-0

14b)
Bryant Field
Apron &
Safety
Improvements
BID AWARD

Bid Award for Bryant Field Apron & Safety Improvements (**Kelly Garcia**)

ACTION: (1) Acknowledge receipt of three proposals on September 13, 2005 and based upon review and recommendation by the Public Works Director, award the contract to Don Garcia Excavating & Paving, Inc. (2) Approve and authorize the Public Works Director (in consultation with County Counsel) to finalize and

M05-200

administer a contract with Don Garcia Excavating & Paving, Inc. for the Mono County Bryant Field Apron and Safety Improvements, in an amount not to exceed \$666,153.48. This authorization shall include making minor amendments to said contract from time to time as the Public Works Director may deem necessary, provided such amendments do not substantially alter the scope of work or budget and are approved as to form by County Counsel.

Cecil/Hazard 5-0

5:00 p.m.

***Adjourn to reconvene in regular session
Benton Community Center @ 7:00 p.m.***

7:00 pm

Approximately
1 Hour 15 Min

BENTON COMMUNITY CENTER

Clerk: David Wilbrecht, County Administrative Officer

BOARD OF SUPERVISORS

15a)

Proposed
Land Tenure
Adjustment
Process

No action

Proposed Land Tenure Adjustment Process (**Larry Primosch**)

ACTION: Presentation of a proposed land tenure adjustment process where area agencies i.e. BLM, USFS, DWP, and others create a GIS map to identify which of their lands are conceptually available for disposal or trade in order to improve agency management. An additional goal is to invite both Inyo and Mono Counties to participate in this process and identify possible expansion opportunities around existing communities where agency lands may be available for disposal. Private landowners would also be invited to participate in order to identify parcels they would like to dispose, trade, and acquire. Any private land sales would be by willing sellers only. Any action taken by the BLM in light of the above would be in conformance to the BLM Bishop Resource Management Plan, potential amendments to that Plan or future revision of the Plan.

No action

15b)

Clipper Wind
power
Proposal

No action

Clipper Windpower, Inc. Proposal (**Larry Primosch**)

ACTION: Update on the Clipper Windpower, Inc. proposal to install 3 towers on Blind Springs Hill just south of Benton, CA. The towers varying in height from 30 feet to 150 feet would support real-time weather gathering instruments over a 3-year period. The proponent may be available for questions.

Discussion.

No action

8:10 p.m.

ADJOURN: Adjourn meeting and reconvene in regular session of November 1, 2005 at the hour of 9:00 a.m. in the Board Chambers, County Courthouse, Bridgeport, Ca.

